

JUVENILE DELINQUENCY COURT ASSESSMENT 2008



VOLUME 1



ADMINISTRATIVE OFFICE
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CENTER FOR FAMILIES, CHILDREN
& THE COURTS

Juvenile Delinquency Court Assessment 2008

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Foreword

I am pleased to present you with the findings and recommendations of the Juvenile Delinquency Court Assessment. The assessment represents the most thorough examination of the state's delinquency court system ever conducted.

This project's intention is to help improve both the administration of justice and the lives of youth, victims, and other community members affected by juvenile crime by helping to establish the baseline that should guide efforts over the coming years as we work to ensure the very best in the service of justice.



The areas of inquiry included hearings and other court processes; court collaboration with justice system partners; placement, treatment, and supervision options for youth; the perspectives of parties and interested groups; education and training; and court accountability. The methods of inquiry included statewide surveys of judicial officers and justice partners (judges, commissioners, referees, probation officers, juvenile prosecutors, and juvenile defense attorneys) and focus groups and interviews in select counties with youth, parents, victims, community members, juvenile probation officers, juvenile prosecutors and defense attorneys.

I invite the Governor, the Legislature, the judicial branch, state and local policymakers, and all interested parties to study this assessment's findings and recommendations and implement improved practices in the service of quality justice for the people of California.

William C. Vickrey

Administrative Director of the Courts

EXECUTIVE SUMMARY

On behalf of the Family and Juvenile Law Advisory Committee of the Judicial Council of California, the Center for Families, Children & the Courts (CFCC), a staff division of the Administrative Office of the Courts (AOC), conducted the AOC's first comprehensive research study of how the superior courts of California handle delinquency matters. With the guidance of a working group convened by the Family and Juvenile Law Advisory Committee, the Juvenile Delinquency Court Assessment (JDCA) conducted nearly two years of research on California's delinquency courts.

The intention of the JDCA is to help improve both the administration of justice and the lives of youth, victims, and other community members affected by the delinquency system by helping set an agenda for system improvements over the coming years. The areas of inquiry included hearings and other court processes; court collaboration with justice system partners; placement, treatment, and supervision options for youth; perspectives of parties and interested groups; education and training; and court accountability. The methods of inquiry included statewide surveys of judicial officers and justice partners (judges, commissioners, referees, probation officers, juvenile prosecutors, and juvenile defense attorneys), and focus groups and interviews in selected counties with youth, parents, victims, community members, juvenile probation officers, and juvenile attorneys.

A. FUNDAMENTAL PRINCIPLES

As the working group developed its recommendations, it became clear that the members shared certain core beliefs about the juvenile justice system. These fundamental principles serve as core considerations for an effective system that meets the varied purposes of the juvenile delinquency court. Key was the belief that the juvenile court presiding judge must work with justice partners to ensure that the following fundamental principles are achieved:

1. The delinquency system must adhere to practices and procedures that comply with the law.
2. The delinquency system must be adequately staffed by judicial officers, attorneys, probation officers, court staff, and other professionals who have the tenure, dedication, education, training, and resources necessary to meet the needs of court users and the public.

3. The delinquency system must recognize that juvenile offenders are different from adult offenders and, while ensuring due process and accountability, must also address the developmental and social factors that contribute to delinquent behavior.
4. The delinquency system must recognize and respect the rights and role of victims.
5. The delinquency system must encourage and value community involvement.
6. The delinquency system must improve its effectiveness and accountability by adopting a practice of continual self-improvement that relies on goals, outcomes, measures, and reporting.

B. SUMMARY OF FINDINGS

- Additional resources are needed to maintain caseloads at a reasonable level for judicial officers, attorneys, and probation officers. Both probation officers and defense attorneys expressed a need for more resources to enable them to implement court-ordered dispositions and case plans, including accessing services in the community for the youth they work with.
- Judicial officers, attorneys, and probation officers who were surveyed expressed a general dissatisfaction with the sufficiency of information about, and the availability of, services for youth, most notably drug rehabilitation, mental health services, gender-specific services, and services for transitional-age youth. They also indicated that they are not satisfied with the sanction options available to the court for high-risk youth.
- Judicial officers, attorneys, and probation officers who were surveyed expressed frustration concerning the availability of information to them at various points in the delinquency court process, including mental health assessments, information on youth's educational status, and interviews with youth, parents, and victims, both predisposition and postdisposition.
- For youthful offenders, parents, victims, and witnesses, court proceedings are often difficult to follow and understand. These groups find the court experience to be rushed and without opportunities for them to participate. Court facilities often do not have the space or the personnel to address the questions of court users.

- There is a need to measure the effectiveness of system responses to youthful offenders. The juvenile delinquency system needs better ways to measure outcomes and increase accountability.
- Courts frequently collaborate with justice partners to work on policies and procedures, and to respond to problems as they arise. Judicial officers expressed the need to be better informed about the availability and effectiveness of dispositional options for youth, and to meet with the community.
- Many juvenile detention facilities and juvenile court facilities are in need of improvement or replacement. The nature of the environment in which cases are heard, and where youth are confined, has a significant impact on the efficiency and effectiveness of court processes.
- Juvenile delinquency courts need to be staffed with judicial officers, court staff, probation officers, and attorneys who are educated in juvenile law issues and are experienced in and committed to the juvenile delinquency assignment. Longevity in juvenile assignments should be encouraged.

C. RECOMMENDATIONS

The Family and Juvenile Law Advisory Committee sets forth the following recommendations to the California juvenile justice community.

CASE-LEVEL PERFORMANCE

INDIVIDUAL RIGHTS

1. Courts should protect the rights and interests of youth, parents, victims, and the community.
2. Judicial officers should ensure the welfare of youth by inquiring about their health, safety, and education; the effectiveness of court-ordered services, restitution, and community service; and other matters regarding their general welfare and the terms of their probation.
3. Judicial officers should ensure that hearings are completed within statutory deadlines, granting continuances only for good cause while recognizing that continuances may be necessary to protect the right to due process and the opportunity to fully defend against the allegations in a petition.

4. Judicial officers, court staff, attorneys, and probation officers should monitor their practices and procedures to ensure that they meet statutory requirements regarding confidentiality and open public hearings.
5. Courts should support victims by ordering restitution in a specific amount, making restitution payment a priority, and encouraging other methods of victim restoration as appropriate.
6. Probation officers, defense counsel, and judicial officers should ensure that youth understand their rights regarding record sealing and should provide them with the information necessary to exercise those rights.
7. The AOC, in conjunction with local courts, should ensure that delinquency court facilities appropriately protect confidentiality and include private meeting spaces for court users and juvenile justice partners.

COURT PARTICIPATION

8. Judicial officers should consider calendar structures and hearing schedules that enable parents and extended family, victims, and witnesses to provide input.
9. Judicial officers should set the day's calendar by prioritizing hearings at which victims or witnesses are present and cases that are short cause matters.
10. When delays are unavoidable, the judicial officer and the attorneys should explain the reasons for them to the parties involved, so as to maintain transparency and confidence in the process.

COMPREHENSIBLE HEARINGS

11. Judicial officers should encourage the use of simple yet legally accurate language so that all parties present for hearings can understand the proceedings.
12. Judicial officers, attorneys, and probation officers should take the time necessary to help youth, parents, and victims understand the court process, the outcomes of court hearings, and the orders of the court.
13. The AOC, in conjunction with the courts, should develop educational materials such as videos and brochures that orient youth and parents to the delinquency court.

SERVICES AND SANCTIONS

INDIVIDUALIZED SERVICES

14. Local jurisdictions should establish a graduated continuum of evidence-based services and sanctions to respond to the needs of each offender.
15. Courts, to improve the delivery of services, should develop adequate court-based resources and make them readily and regularly available to court users.
16. Judicial officers should ensure that youth receive appropriate sanctions as well as the services, guidance, and support that are in the best interest of the youth while meeting the goals of public safety and victim restoration.
17. Court and counsel should ensure that treatment plans and terms of probation are complied with by monitoring the progress of youth on probation, regardless of whether the youth is at home, in out-of-home placement, or committed to a local or state facility.
18. Courts and probation should ensure that dispositional case plans include adequate reentry services.
19. Judicial officers should encourage collaborative, problem-solving practices that provide for the development and implementation of individualized case plans.
20. The courts and probation should encourage the identification and involvement of positive extended family members in a youth's rehabilitation.
21. Courts should collaborate with probation departments to ensure that judicial officers and attorneys understand probation assessment tools and the local sanction and service options that are available.
22. The courts, probation officers, and other juvenile justice partners should continue to collaborate in an effort to develop effective practices and methods for improving the delivery of services.

MEETING DIVERSE NEEDS

23. Juvenile justice agencies should continually seek out culturally appropriate resources in their communities and ensure that youth, families, and victims who do not speak English receive necessary interpreter and translation services.
24. Probation officers should continually seek out accessible and effective services, paying particular attention when emerging service gaps are discovered.

25. Probation officers who supervise youth in placement facilities should be trained to ensure that the needs of those youth are met and that their probation complies with title IV-E requirements.
26. The courts and probation should comprehensively examine and address all aspects of the needs of youth with mental health issues who are involved in the delinquency system.
27. The AOC should support legislation to address ways to more adequately and effectively deal with competency issues that come before the courts.
28. The AOC should continue to work with probation and social services to assist them in working with those youth who appear to come within the jurisdiction of both the delinquency and dependency systems.

COURT MANAGEMENT

ACCOUNTABILITY

29. Judicial officers should educate the community and the media about the purpose of the juvenile court, specifically its purpose and role in meeting the complex needs of youth, their families, victims, and the community.
30. Judicial officers should maintain open communication with the public, provide avenues for receiving public feedback, and provide information about court performance or improvements.
31. Local juvenile justice partners should identify the outcomes they hope to achieve and develop performance measures to monitor their progress.

FACILITIES

32. State and local court administrations should ensure that facilities are designed, maintained, and operated so as to provide both the effective and efficient administration of justice and the respect and dignity that victims, court users, professionals, and judicial officers deserve.
33. The AOC, in conjunction with local courts, should design and construct new facilities, in consultation and cooperation with the other juvenile justice partners.
34. Court facilities in which delinquency matters are heard should have separate waiting rooms for victims and witnesses to ensure their safety and encourage their participation in court.

35. State and local court administrators should ensure that court operations, modifications to facilities, and AOC design standards protect the confidentiality of parties and victims while enabling the public to have access to nonconfidential delinquency hearings when appropriate.

COLLABORATION

36. Judicial officers should exercise leadership in strengthening the relationships among justice partners and community organizations and in ensuring that local jurisdictions utilize all available resources to create appropriate outcomes within the juvenile justice system.
37. The courts and probation should engage schools, mental health, and other community systems to support the rehabilitation of youth.
38. The AOC and the courts should assess the court's role in minority disproportionality within the juvenile justice system and work collaboratively with state and county-level justice providers to address racial and ethnic disparities.
39. The AOC should continue to support the courts and other agencies in developing ways to assist youth whose circumstances potentially bring them before both the dependency and delinquency courts.

CASE MANAGEMENT

40. Courts and juvenile justice partners should develop case management systems (including the California Case Management System [CCMS]) that promote coordinated data collection and data exchange between the court and other justice partners.
41. Courts and juvenile justice partners should develop case management systems (including CCMS) to permit juvenile delinquency courts to access information about youth's and families' participation in other court cases.
42. The AOC should support courts in their efforts to develop protocols and procedures to address local issues and challenges involving case management.
43. The AOC should develop tools to help the courts assess their case management practices and should assist the courts in instituting a process of continual improvement.

PROFESSIONALS AND COURT USERS

COMMITMENT

44. Superior court presiding judges should recognize the importance of the juvenile delinquency system and the need for recruiting and retaining high-quality judicial officers in juvenile assignments.
45. Court administrators should ensure that courts have adequate numbers of qualified court staff.
46. District attorneys' and public defenders' offices should be encouraged to seek out and promote attorneys who are committed to serving the delinquency court and developing expertise in this complex and significant field.
47. Judicial officers should seek out panel and contract attorneys who are committed to serving youth in the delinquency court and who are willing to develop expertise in the field.
48. Probation departments should seek out, encourage, promote, and retain staff who are committed to working with juveniles and developing expertise in this important area.

EDUCATION

49. The courts should ensure continuity of policy and practice during leadership transitions by instituting best practices and by supporting the transfer of knowledge.
50. Probation and social services staff should be adequately trained and should communicate and coordinate services so as to deal appropriately with those youth who appear to come within the jurisdiction of both the delinquency and dependency systems.
51. Judicial officers, attorneys, and probation should be adequately trained and educated to understand the myriad issues in delinquency court and the importance of the work.
52. Courts should develop or clarify local protocols that set forth their expectations of defense counsel in the postdispositional period regarding status reports, hearings, child visits, legal advocacy, and other activities.
53. The AOC should work with law schools and the State Bar to educate, encourage, and support attorneys seeking careers in juvenile justice.

RESOURCES

54. Courts and juvenile justice agencies should continually monitor and adjust their caseload guidelines to respond to evolving standards of practice and should seek additional resources as necessary.
55. Courts hearing delinquency matters should have adequate funding to fulfill their purpose of guaranteeing public safety, victim restoration, and offender rehabilitation.
56. The judicial branch should encourage federal, state, and local government officials to provide probation departments with stable and adequate funding to protect the public and the rights of victims, to ensure offender accountability and rehabilitation, and to support the court with the information necessary to make appropriate findings and orders.
57. Local government officials should fund public defenders' offices, district attorneys' offices, and contract-based defenders at a level that allows them to adequately fulfill their professional obligations.
58. The Judicial Council should support the improvement of resource allocation in the courts by conducting a judicial workload study of judicial officers who hear juvenile delinquency cases and a needs assessment of the court staffing that supports the court's management and review of juvenile delinquency cases.